

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERKS OFFICE

04-10028 DPW

2004 JAN -7

MAGISTRATE JUDGE

Collins

THOMAS COLLURA,
Plaintiff

U.S. DISTRICT COURT
DISTRICT OF MASS.
COMPLAINT

V.

MILTON VEGA; NEIL MURPHY;
AND, CERTAIN UNKNOWN
INDIVIDUALS,
Defendants

PLAINTIFF CLAIMS TRIAL
BY JURY

AMOUNT \$ 150

52965

SUMMONS ISSUED

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK.

GENERAL ALLEGATIONS

1. The Plaintiff, Thomas Collura, is an individual with a place of residence in Norwood, Norfolk County, Commonwealth of Massachusetts.
2. The Defendant, Milton Vega, is an individual employed by the Norwood Police Department which has a place of business in Norwood, Norfolk County, Commonwealth of Massachusetts.
3. The Defendant, Neil Murphy, is an individual employed by the Norwood Police Department which has a place of business in Norwood, Norfolk County, Commonwealth of Massachusetts.
4. The Defendants, Certain Unknown Individuals, are, upon information and belief, employees and/or agents of the Norwood Police Department.
5. The instant complaint is brought pursuant to 42 U.S.C. § 1983, and this Court has jurisdiction pursuant to 42 U.S.C. § 1983.

FACTUAL ALLEGATIONS

1. On or about October 27, 2002, the plaintiff resided in his camper which was located at 143 Pleasant Street, Norwood.

2. On or about October 27, 2002, the defendants, Milton Vega and Neil Murphy, did while acting in their capacity as members of the Norwood Police Department and while acting under color of law did, without the benefit of any warrant, search the plaintiff's camper.
3. That during the search of the plaintiff's camper the defendants seized personal property of the plaintiff.
4. That subsequent to the search of the camper the defendants arrested the Plaintiff and caused him to be charged with certain criminal offenses.
5. That subsequent to the search and arrest of the plaintiff the camper was towed and an inventory search was conducted by the Norwood Police.
6. On August 27, 2003, the Superior Court found the search of the plaintiff's camper to have violated the guarantees of the Fourth and Fourteenth Amendments to the Constitution of the United States, and allowed the Plaintiff's Motion to Suppress and evidence seized and derived from the warrantless search of October 27, 2002.
7. On September 8, 2003 the Superior Court ordered all charges against Mr. Collura be dismissed.
8. That as a result of the warrantless search of October 27, 2002, the defendants caused Mr. Collura to be charged with certain criminal offenses and to be incarcerated at the Norfolk County House of Correction for approximately ten months.
9. On September 8, 2003, the Massachusetts Superior Court allowed Mr. Collura's Motion to Return Property or Other Appropriate Relief.
10. That the defendants have, in defiance of the above-described Court Order, refused to return any property to Mr. Collura.
11. That as a result of the warrantless search of his camper, Mr. Collura was wrongfully deprived of his liberty, suffered mental anguish and emotional distress, sustained economic loss, as well as loss of personal property.
12. That the search of Mr. Collura's camper on October 27, 2002, was conducted without probable cause and/or the benefit of a search warrant, and violated Mr. Collura's rights as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States.

COUNT I THE PLAINTIFF, THOMAS COLLURA'S CAUSE OF ACTION PURSUANT TO 42 U.S.C. § 1983 AGAINST THE DEFENDANT MILTON VEGA FOR VIOLATIONS OF HIS RIGHTS AS GUARANTEED BY THE FOURTH AND FOURTEENTH AMENDMENTS.

1. The plaintiff repeats the allegations contained in paragraphs one and two of the General Allegations and paragraphs one through twelve of the Factual Allegations.
2. That at the time the defendant, Milton Vega, searched Mr. Collura's camper he had full reason to know that his actions amounted to a violation of well-established and recognized rights of Mr. Collura.

Wherefore, the plaintiff, Thomas Collura, demands judgment against the defendant, Milton Vega, in an amount as the evidence might prove at trial, plus interest, costs, attorney's fees, as well as punitive damages.

COUNT II THE PLAINTIFF, THOMAS COLLURA'S CAUSE OF ACTION PURSUANT TO 42 U.S.C. § 1983 AGAINST THE DEFENDANT NEIL MURPHY FOR VIOLATIONS OF HIS RIGHTS AS GUARANTEED BY THE FOURTH AND FOURTEENTH AMENDMENTS.

1. The plaintiff repeats the allegations contained in paragraphs one and three of the General Allegations and paragraphs one through twelve of the Factual Allegations.
2. That at the time the defendant, Neil Murphy, searched Mr. Collura's camper he had full reason to know that his actions amounted to a violation of well-established and recognized rights of Mr. Collura.

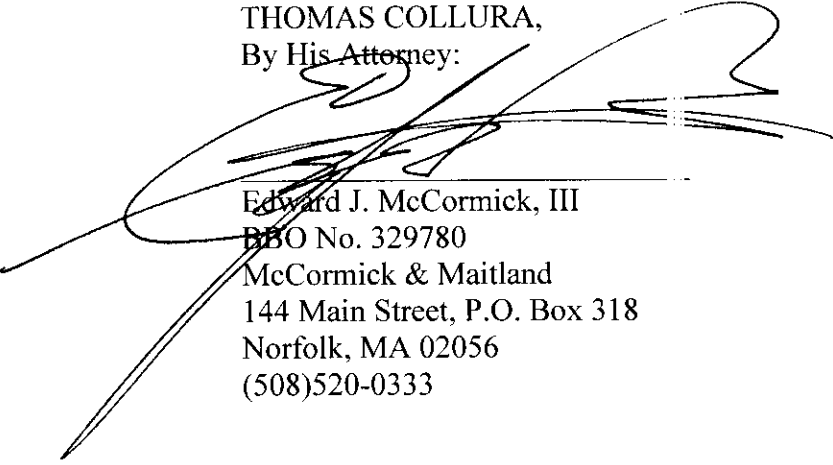
Wherefore, the plaintiff, Thomas Collura, demands judgment against the defendant, Neil Murphy, in an amount as the evidence might prove at trial, plus interest, costs, attorney's fees, as well as punitive damages.

COUNT III THE PLAINTIFF, THOMAS COLLURA'S CAUSE OF ACTION PURSUANT TO 42 U.S.C. § 1983 AGAINST THE DEFENDANTS CERTAIN UNKNOWN INDIVIDUALS FOR VIOLATIONS OF HIS RIGHTS AS GUARANTEED BY THE FOURTH AND FOURTEENTH AMENDMENTS.

1. The plaintiff repeats the allegations contained in paragraphs one and four of the General Allegations and paragraphs one through twelve of the Factual Allegations.
2. That at the time the defendants, Certain Unknown Individuals, searched Mr. Collura's camper he had full reason to know that his actions amounted to a violation of well-established and recognized rights of Mr. Collura.

Wherefore, the plaintiff, Thomas Collura, demands judgment against the defendants, Certain Unknown Individuals, in an amount as the evidence might prove at trial, plus interest, costs, attorney's fees, as well as punitive damages.

Respectfully Submitted,
THOMAS COLLURA,
By His Attorney:



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